

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LYNN BARNHILL, as Wrongful Death Act
Representative of the Estate of AIDA MUSA, Deceased, and
AZIZ K. MUSA, and TARIQ MUSA and OMAR MUSA,

Plaintiffs,

vs.

No. 10cv634 BB/ACT

BMW OF NORTH AMERICA, LLC and
BAYERISCHE MOTOREN WERKE AG,

Defendants.

PLAINTIFFS' UNOPPOSED MOTION TO DISMISS PUNITIVE DAMAGES CLAIMS

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs, by and through their counsel of record, hereby move the Court for an Order dismissing all punitive damages claims raised in Plaintiffs' Second Amended Complaint, on file with the Court, against Defendants.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Court dismiss Plaintiffs' punitive damages claims raised in their Second Amended Complaint. Plaintiffs also request such other and further relief, both at law and in equity, to which they may show themselves justly entitled.

Respectfully submitted,

THE AMMONS LAW FIRM, L.L.P.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with opposing counsel and they are unopposed to Plaintiffs' motion.


DAVID A. KIRBY

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2011, the above and foregoing was served on the following counsel of record:

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